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Attorneys for Defendants

SAMSUNG ELECTRONICS AMERICA, INC. and

SAMSUNG TELECOMMUNICATIONS AMERICA, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ROSEANNE CASTRO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

CARRIER IQ, INC.; SAMSUNG
ELECTRONICS AMERICA, INC.; and
SAMSUNG TELECOMMUNICATIONS
AMERICA, INC.,

Defendants.

CASE NO. 3:11-CV-06201-RS

**STIPULATED REQUEST FOR AN
ORDER GRANTING A STAY AND
~~PROPOSED~~ ORDER** as modified by the
court

STIPULATED REQUEST FOR AN ORDER
GRANTING A STAY AND ~~PROPOSED~~ ORDER

Plaintiff Roseanne Castro and Defendants Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC¹ (the “Samsung Defendants”) (collectively, the “Stipulating Parties”) by and through their respective counsel, hereby make a stipulated request for an Order staying all proceedings and deadlines in this action until forty-five (45) days after the Panel on Multidistrict Litigation (“Panel”) has issued a ruling on the currently pending motions for coordination or consolidation of this and other actions captioned In re Carrier IQ, Inc. Consumer Privacy Litigation (MDL No. 2330) (the “MDL Motions”), and in support of this Request, state as follows:

WHEREAS, the Complaint in the above-captioned action was filed on December 9, 2011;

WHEREAS, there have been no other modifications to the Samsung Defendants’ time to answer, move or otherwise respond to the complaint in this action;

WHEREAS, pursuant to the Clerk’s Notice dated December 22, 2011, the Initial Case Management Conference in the above-captioned action is scheduled for March 15, 2012;

WHEREAS, the Complaint alleges, among other things, that Defendants violated the privacy rights of mobile phone and other device consumers whose devices use software made by defendant Carrier IQ, Inc.;

WHEREAS over 50 other complaints have been filed to date in federal district courts throughout the United States by consumers purporting to bring class actions on behalf of similarly situated class members (collectively, including the above-captioned matter, the “CIQ cases”);

WHEREAS, several motions are pending before the Judicial Panel on Multidistrict Litigation to transfer the CIQ cases to various transferee courts for coordinated and consolidated

¹ Samsung Telecommunications America, LLC was erroneously sued as Samsung Telecommunications America, Inc.

1 pretrial proceedings pursuant to 28 U.S.C. Sec. 1407, responses to the motions supporting
2 coordination or consolidation were filed on December 27, 2011, and Plaintiff and the Samsung
3 Defendants anticipate that additional responses will be filed; and

4 WHEREAS, in light of the pending MDL Motions and to facilitate an orderly
5 schedule for responding to the pleadings in the CIQ Cases, the Stipulating Parties in this case have
6 agreed that the deadline for the Samsung Defendants to answer, move, or otherwise respond to the
7 Complaint shall be extended until forty-five (45) days after the Judicial Panel on Multidistrict
8 Litigation issues an order deciding the MDL Motions, or as otherwise ordered by the MDL
9 transferee court if one of the MDL Motions is granted; provided, however, that in the event that
10 any of the Samsung Defendants should agree to an earlier response date in any of the CIQ Cases,
11 that Samsung Defendant will respond to the Complaint on that earlier date;

12 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
13 counsel for Plaintiff and Samsung Defendants, that:

14 1. Pursuant to Local Rule 6-1, 6-2 and 7-12, all proceedings and deadlines in
15 the above-captioned action that pertain to the Samsung Defendants are stayed until forty-five (45)
16 days after the Panel on Multidistrict Litigation rules on the MDL Motions or until further order of
17 this Court or the MDL Transferee Court;

18 2. This stay shall include a continuance of the Samsung Defendants' deadline
19 to answer, move to dismiss, or otherwise respond to the Complaint;

20 3. Any obligations of the Stipulating Parties to meet and confer regarding
21 initial disclosures under FRCP 26(f) are stayed until further Order from the Court or the MDL
22 Transferee Court;

23 4. This Stipulation does not constitute a waiver by the Samsung Defendants of
24 any defense, including but not limited to the defenses of lack of personal jurisdiction, subject
25 matter jurisdiction, improper venue, sufficiency of process or service of process; and

26 5. Nothing in this Order shall prohibit any Stipulating Party in the above-
27 captioned action from petitioning the court to lift the stay as events warrant.

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1 DATED: January __, 2012

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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3 By: /s/ Lance A. Etcheverry

4 Lance A. Etcheverry

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9 Attorneys for Defendants
10 SAMSUNG ELECTRONICS AMERICA, INC. and
11 SAMSUNG TELECOMMUNICATIONS AMERICA,
12 LLC

13 I, Lance A. Etcheverry, am the ECF User whose ID and password are being used to file this
14 Stipulated Request For An Order Granting A Stay and [Proposed] Order. In compliance with
15 General Order 45, X.B., I attest that each of the following signatories has concurred in this filing.

16
17 NEWPORT TRIAL GROUP, A PROFESSIONAL
18 CORPORATION

19 By: /s/ James Byron Hardin

20 JAMES BYRON HARDIN

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26 Attorneys for Plaintiff
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28 **Until and unless this matter is transferred to an MDL proceeding or responsive pleadings are
filed, the parties shall submit a joint status report every 90 days.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/6/12, 2012

By:



Hon. Richard Seeborg
UNITED STATES DISTRICT JUDGE